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DISTRICT COURT OF GUAM

JUN 20 2006

MARY L.M. MORAN
CLERK OF COURT

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DISTRICT COURT OF GUAM

JUN 15 2006

MARY L.M. MORAN
CLERK OF COURT

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,
vs.
KYUNGA LEE,
Defendant.

CRIMINAL CASE NO. 06-00019

AMENDED
PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B), the United States and the defendant, KYUNGA LEE, enter into the following plea agreement:

1. The defendant agrees to enter a guilty plea to an Indictment charging her with Misuse of a Visa in violation of Title 18, United States Code, Section 1546.

2(a) The defendant, KYUNGA LEE, understands that the maximum sentence for Misuse of a Visa is a term of ten (10) years imprisonment, a \$250,000 fine, and a \$100 special assessment fee, which must be paid at the time of sentencing. Any sentence imposed may include a term of supervised release of not more than three (3) years in addition to such terms of imprisonment. Defendant understands that if she violates a condition of supervised release at any time prior to the expiration of such term, the court may revoke the term of supervised release and sentence her up to an additional two (2) years of incarceration pursuant to 18 U.S.C. § 3583(e)(3).

1 2(b) If defendant pleads guilty to this charge, the government will recommend that
2 defendant receive the minimum term of incarceration recommended by the Sentencing
3 Guidelines.

4 2(c) The government will recommend a fine within the Sentencing Guidelines range. If
5 defendant is financially unable to immediately pay the fine in full, defendant agrees to make a
6 full disclosure of her financial status to the United States Attorney's Office by completing a
7 Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment schedule.
8 Defendant understands that, by law, interest accrues on any remaining balance of the debt.

9 3. The defendant understands that to establish a violation of Misuse of a Visa as charged
10 pursuant to 18 U.S.C. § 1546, the government must prove each of the following elements beyond
11 a reasonable doubt:

12 First: the defendant knowingly subscribed as true a false statement in
13 an attempt to enter the United States;

14 Second: the defendant acted with knowledge that the statement was false;

15 Third: The statement was material to the Immigration and Naturalization's
16 activities or decisions;

17 Fourth: the statement was made under oath; and

18 Fifth: the statement was made on an application required by immigration laws or
19 regulations prescribed thereunder.

20 4. The defendant agrees that the Sentencing Guidelines apply to this offense. The
21 defendant also understands that the facts she stipulates to herein will be used, pursuant to 1B1.2,
22 in calculating the applicable guidelines level. The Government and the defendant stipulate to the
23 following facts for purposes of the Sentencing Guidelines:

24 (a) The defendant was born in 1982, and is a citizen of Korea.

25 (b) Defendant KYUNGA LEE is a citizen of Korea. She previously applied for a United
26 States student visa in Seoul, which was denied because her supporting documentation was
27 fraudulent. On May 6, 2006, KYUNGA LEE attempted to enter the United States at the Guam
28 International Airport. She provided statements that she had never applied for an Immigrant/Non-

1 Immigrant United States Visa before, and that she never sought to procure a Visa or other
2 documentation or entry into the United States by fraud or wilful representation. KYUNGA LEE
3 presented these statements at the Guam International Airport in order to enter the United States.
4 At the time she presented these statements, defendant knew then and there that they were false..

5 (c) The defendant understands that notwithstanding any agreement of the parties, the
6 United States Probation Office will make an independent application of the Sentencing
7 Guidelines. The defendant acknowledges that should there be discrepancies in the final
8 sentencing guidelines range projected by her counsel or any other person, such discrepancies are
9 not a basis to withdraw her guilty plea.

10 5. The defendant acknowledges that she has been advised of her rights as set forth below
11 prior to entering into this plea agreement. Specifically, defendant has been fully advised of, has
12 had sufficient opportunity to reflect upon, and understands the following:

13 (a) The nature and elements of the charge and the mandatory minimum penalty provided
14 by law, if any, and the maximum possible penalty provided by law;

15 (b) Her right to be represented by an attorney;

16 (c) Her right to plead not guilty and the right to be tried by a jury and at that trial, the
17 right to be represented by counsel, the right to confront and cross-examine witnesses against her,
18 and the right not to be compelled to incriminate herself, that is, the right not to testify;

19 (d) That if she pleads guilty, there will not be a further trial of any kind on the charges to
20 which such plea is entered so that by entering into this plea agreement, she waives, that is, gives
21 up, the right to a trial;

22 (e) Because this plea is entered pursuant to Federal Rule of Criminal Procedure
23 11(c)(1)(B), the defendant understands that she may not withdraw her guilty plea even if the
24 court does not accept the sentencing recommendations of the government or her counsel;

25 (f) That, upon entry of a plea of guilty, or thereafter, the Court may ask her questions
26 about the offenses to which she has pled, under oath, and that if she answers these questions
27 under oath, on the record, her answers may later be used against her in prosecution for perjury or
28

1 false statement if an answer is untrue;

2 (g) That she agrees that the plea agreement is voluntary and not a result of any force,
3 threats or promises apart from this plea agreement;

4 (h) The defendant is satisfied with the representation of her lawyer and feels that her
5 lawyer has done everything possible for her defense;

6 (i) That this plea agreement has been translated into her native language and she fully
7 understands it.

8
9 DATED: 6/13/06

10 2/2606
KYUNGA LEE
Defendant

11
12 DATED: 6/13/06

13 Jim T. McHugh
JIM MCHUGH
Attorney for Defendant

14 LEONARDO M. RAPADAS
15 United States Attorney
Districts of Guam and NMI

16 DATED: 6/14/06

17 By:

18 Rosetta L. San Nicolas
ROSETTA L. SAN NICOLAS
Assistant U.S. Attorney

19 DATED: 6-17-06

20 Russell C. Stoddard
RUSSELL C. STODDARD
First Assistant U.S. Attorney